

ASSEMBLY BILL

No. 564

Introduced by Assembly Member McClintock

February 25, 1997

An act to add Section 43.98 to the Civil Code, relating to health care service plans.

LEGISLATIVE COUNSEL'S DIGEST

AB 564, as introduced, McClintock. Health care service plans: enforcement.

Existing law prohibits the imposition of monetary liability on the part of professional societies and members of peer review committees that review the quality of various professional health care services for acts performed within the scope of the functions of peer review, if that committee or member acts without malice, has made a reasonable effort to obtain the facts, and acts in reasonable belief his or her action is warranted.

This bill would provide that no cause of action shall arise against any person on account of the communication of information by a consultant when that communication is intended to assist specified public entities in the administration or enforcement of provisions of existing law, known as the Knox-Keene Health Care Service Plan Act of 1975 and the consultant acts pursuant to a contract entered into on or after January 1, 1996, between the Commissioner of Corporations and the Medical Board of California or pursuant to a contract entered into on or after January 1, 1996, with the

Commissioner of Corporations pursuant to a specified provision of existing law.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 43.98 is added to the Civil Code,
2 to read:
3 43.98. There shall be no monetary liability on the part
4 of, and no cause of action shall arise against, any person
5 on account of the communication of information by a
6 consultant when that communication is intended to assist
7 the Commissioner of Corporations, the Department of
8 Corporations, or the Medical Board of California, in the
9 administration or enforcement of the Knox-Keene
10 Health Care Service Plan Act of 1975 (Chapter 2.2
11 (commencing with Section 1340) of Division 2 of the
12 Health and Safety Code) and the consultant acts pursuant
13 to a contract entered into on or after January 1, 1996,
14 between the Commissioner of Corporations and the
15 Medical Board of California, or pursuant to a contract
16 entered into on or after January 1, 1996, with the
17 Commissioner of Corporations pursuant to Section 1397.6
18 of the Health and Safety Code. The immunities afforded
19 by this section shall not affect the availability of any other
20 privilege or immunity which may be afforded under this
21 part.

O

